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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X	
ARAZ ALALI,	:
	:
Plaintiff,	:
	:
-against-	:
	:
CITY OF NEW ROCHELLE, New York,	:
	:
Defendant.	:
-----X	

07 Civ. 9912 (CLB)

**ANSWER**

Defendant the City of New Rochelle ("New Rochelle" or the "City"), by its undersigned attorneys, Wilson, Elser, Moskowitz, Edelman & Dicker LLP, as and for its answer to plaintiff's Complaint alleges as follows:

**Nature of the Action**

1. Denies any allegations contained in Paragraph 1 of the Complaint, and respectfully refers all questions of law to the Court.

**Jurisdiction**

2. Denies any allegations contained in Paragraph 2 of the Complaint, and respectfully refers all questions of law to the Court.

### **The Parties**

3. Admits that plaintiff Araz Alali ("Plaintiff") is currently a member of the New Rochelle Police Department ("NRPD"); and denies information or belief sufficient to form a belief as to the truth or falsity as to the remaining allegations contained in Paragraph 3 of the Complaint.

4. Denies the truth of the allegations contained in paragraph 4 of the Complaint, except admits that the City is a municipal corporation existing pursuant to the laws of the state of New York.

### **The Facts**

5. Denies the truth of the allegations contained in paragraph 5 of the Complaint.

6. Denies the truth of the allegations contained in paragraph 6 of the Complaint.

7. Denies the truth of the allegations contained in paragraph 7 of the Complaint.

### **As and For a Response to the Claim**

8. Repeats and realleges the admissions, denials and denials of knowledge and information contained in paragraphs 1 through 7 above as if fully set forth herein.

9. Denies the truth of the allegations contained in paragraph 9 of the Complaint, and respectfully refers all questions of law to the Court.

### **AFFIRMATIVE DEFENSES**

#### **First Affirmative Defense**

1. The Complaint fails to state a claim upon which relief may be granted.

#### **Second Affirmative Defense**

2. Plaintiff's claims are barred by the applicable statute of limitations.

**Third Affirmative Defense**

3. The City did not discriminate against Plaintiff on the basis of his national origin or on any other basis prohibited under the law.

**Fourth Affirmative Defense**

4. The City did not retaliate against Plaintiff for engaging in any activity or speech protected under the United States Constitution or 42 U.S.C. §2000e *et seq.*

**Fifth Affirmative Defense**

5. Plaintiff's filing and/or prosecuting the related cases entitled *Alali v. Gazzola*, 07 Civ. 1296 (CLB) and *Alali v. DeBara*, 07 Civ. 2916 (CLB) was not a motivating factor in any adverse employment action directed at Plaintiff, as alleged in the instant action.

**Sixth Affirmative Defense**

6. Any actions taken by the defendants directed at Plaintiff, as alleged herein, would have been taken regardless of Plaintiff's alleged national origin and/or the filing and prosecution of the related cases entitled *Alali v. Gazzola*, 07 Civ. 1296 (CLB) and *Alali v. DeBara*, 07 Civ. 2916 (CLB).

WHEREFORE, Defendant the City of New Rochelle demands judgment as follows: (a) dismissing the Complaint with prejudice; (b) for the costs, disbursements and attorney's fees incurred in the defense of this action; and (c) for such other and further relief as the Court may deem just and proper.

Dated: White Plains, New York  
December 3, 2007

WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER LLP  
Attorneys for Defendant



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By: Peter A. Meisels (PAM-5018)

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